

111TH CONGRESS
1ST SESSION

H. R. 899

To require States to hold special elections in the event of a vacancy in the office of a Senator representing the State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mr. SCHOCK (for himself, Mr. SHIMKUS, and Mr. PETRI) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To require States to hold special elections in the event of a vacancy in the office of a Senator representing the State, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ethical and Legal
5 Elections for Congressional Transitions Act”.

6 **SEC. 2. REQUIRING SPECIAL ELECTION IN CASE OF VA-**
7 **CANCY IN OFFICE OF A SENATOR.**

8 (a) SPECIAL ELECTION.—

9 (1) IN GENERAL.—Except as provided in sub-
10 section (b), if the President of the Senate issues a

1 certification that a vacancy exists in the office of a
2 Senator, the chief executive of the State represented
3 by the Senator shall issue a writ of election to fill
4 the vacancy by special election.

5 (2) TIMING OF ELECTION.—A special election
6 under this subsection shall be held not later than 90
7 days after the President of the Senate issues the
8 certification described in paragraph (1).

9 (3) APPLICATION OF STATE LAWS.—A special
10 election under this subsection shall be held in ac-
11 cordance with applicable State law governing special
12 elections in the State.

13 (b) EXCEPTION FOR VACANCIES OCCURRING NEAR
14 DATE OF REGULARLY SCHEDULED ELECTION.—Sub-
15 section (a) shall not apply in the case of a vacancy in the
16 office of a Senator if the President of the Senate issues
17 the certification described in such subsection—

18 (1) during the 90-day period which ends on the
19 date a regularly scheduled general election for the
20 office is to be held; or

21 (2) during the period which begins on the date
22 of a regularly scheduled general election for the of-
23 fice and ends on the first day of the first session of
24 the next Congress which begins after the date of
25 such election.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
 2 tion shall be construed to affect the authority of a State
 3 under the Constitution of the United States to authorize
 4 the chief executive of the State to make a temporary ap-
 5 pointment to fill a vacancy in the office of Senator until
 6 a special election is held for the office, or to affect the
 7 authority of an individual who is appointed to fill such
 8 a vacancy until an individual is elected to the office in
 9 the special election.

10 **SEC. 3. REIMBURSEMENT OF PORTION OF COSTS IN-**
 11 **CURRED BY STATE IN HOLDING SPECIAL**
 12 **ELECTION.**

13 (a) PAYMENTS TO REIMBURSE STATES FOR POR-
 14 TION OF SPECIAL ELECTION COSTS.—Subtitle D of title
 15 II of the Help America Vote Act of 2002 (42 U.S.C.
 16 15401 et seq.) is amended by adding at the end the fol-
 17 lowing new part:

18 **“PART 7—PAYMENTS TO REIMBURSE PORTION**
 19 **OF COSTS INCURRED IN HOLDING SPECIAL**
 20 **ELECTIONS TO FILL SENATE VACANCIES**
 21 **“SEC. 297. PAYMENTS TO STATES TO REIMBURSE PORTION**
 22 **OF COSTS INCURRED IN HOLDING SPECIAL**
 23 **ELECTIONS TO FILL SENATE VACANCIES.**

24 “(a) PAYMENTS AUTHORIZED.—In accordance with
 25 the procedures and requirements of this section, the Com-

1 mission shall make a payment to each eligible State to
2 cover a portion of the costs incurred by the State in hold-
3 ing a special election required under the Ethical and Legal
4 Elections for Congressional Transitions Act to fill a va-
5 cancy in the office of a Senator representing the State.

6 “(b) ELIGIBILITY.—A State is eligible to receive a
7 payment under this part if it submits to the Commission,
8 at such time and in such form as the Commission may
9 require, a statement containing—

10 “(1) a notice of the reasonable costs incurred or
11 the reasonable costs anticipated to be incurred by
12 the State in holding the special election described in
13 subsection (a), including the costs of any primary
14 election held for purposes of determining the can-
15 didates in the special election; and

16 “(2) such other information and assurances as
17 the Commission may require.

18 “(c) AMOUNT OF PAYMENT.—The amount of a pay-
19 ment made to a State under this section shall be equal
20 to 50 percent of the reasonable costs incurred or the rea-
21 sonable costs anticipated to be incurred by the State in
22 holding the special election described in subsection (a), as
23 set forth in the statement submitted under subsection (b).

24 “(d) TIMING OF PAYMENTS.—The Commission shall
25 make the payment required under this section to a State

1 not later than 30 days after receiving the statement sub-
 2 mitted by the State under subsection (b).

3 “(e) RECOUPMENT OF OVERPAYMENTS.—No pay-
 4 ment may be made to a State under this section unless
 5 the State agrees to repay to the Commission the excess
 6 (if any) of—

7 “(1) the amount of the payment received by the
 8 State under this section with respect to the election
 9 involved; over

10 “(2) the actual costs incurred by the State in
 11 holding the election involved.

12 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to the Com-
 14 mission such sums as may be necessary for fiscal year
 15 2009 and each succeeding fiscal year for payments under
 16 this part.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
 18 of the Help America Vote Act of 2002 is amended by add-
 19 ing at the end of the items relating to subtitle D of title
 20 II the following:

“PART 7—PAYMENTS TO REIMBURSE PORTION OF COSTS INCURRED IN
 HOLDING SPECIAL ELECTIONS TO FILL SENATE VACANCIES

“Sec. 297. Payments to States to reimburse portion of costs incurred in holding
 special elections to fill Senate vacancies.

“Sec. 297A. Authorization of appropriations.”.

